

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
 )  
2010 Review of Hearing Aid Compatibility ) WT Docket No. 10-254  
Requirements )  
 )

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF CTIA -- THE WIRELESS ASSOCIATION®**

Michael F. Altschul  
Senior Vice President and General Counsel

Christopher Guttman-McCabe  
Vice President, Regulatory Affairs

Scott K. Bergmann  
Assistant Vice President, Regulatory Affairs

Matthew B. Gerst  
Counsel, External & State Affairs

**CTIA – The Wireless Association®**  
1400 Sixteenth Street, NW  
Suite 600  
Washington, DC 20036  
(202) 785-0081

February 14, 2011

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	THE COMMISSION SHOULD MAINTAIN THE CURRENT HAC REGIME BECAUSE HAC WIRELESS HANDSETS ARE SUFFICIENTLY AVAILABLE TO CONSUMERS.....	4
	A. THE COMMISSION SHOULD AWAIT IMPLEMENTATION OF RECENT RULE CHANGES BEFORE MAKING ANY FURTHER MODIFICATIONS TO THE HAC REGIME. ....	4
	B. THE COMMISSION SHOULD NOT IMPOSE HAC RULES BASED ON MARKET SEGMENTS. ....	6
III.	THE COMMISSION’S RULES SUFFICIENTLY AFFORD CONSUMERS AND OTHER STAKEHOLDERS MULTIPLE SOURCES OF HAC INFORMATION.....	6
	A. THE FCC FORM 655 IS PRINCIPALLY A MONITORING TOOL FOR THE COMMISSION AND SHOULD BE LEFT UNCHANGED.....	7
	B. EXISTING MANDATORY AND VOLUNTARY DISCLOSURE TO CONSUMERS ABOUT HAC ARE EFFECTIVE AND SUFFICIENT.....	8
IV.	SIGNIFICANT IMPROVEMENTS IN UNDERSTANDING HAC TECHNICAL ISSUES CAN OCCUR ONLY WITH HEARING AID MANUFACTURER PARTICIPATION. ....	10
	A. HEARING AID INDUSTRY PARTICIPATION IS A PREREQUISITE TO FURTHER IMPROVING HEARING AID USERS’ WIRELESS EXPERIENCE.....	10
	B. SIGNIFICANT CHANGES TO THE ANSI C63.19 STANDARD ARE PREMATURE.....	11
V.	CONCLUSION.....	13

## EXECUTIVE SUMMARY

The Commission's wireless hearing aid compatibility ("HAC") regime and industry's implementation of it are a success for hearing aid users and a model for accessibility policy. By adhering to the Commission's 2010 *HAC Policy Statement* the agency can foster continued success by promoting the availability of new wireless technologies accessible to hearing aid users, while preserving marketplace innovation. The Commission should continue to encourage resolution of HAC issues as they arise via collaborative, consensus-driven bodies in which all stakeholders, including hearing aid manufacturers, are invested in the outcome.

The Commission just adopted significant changes to the HAC benchmarks in 2008 and 2010, and should await the outcome of industry's implementation of these existing rules and account for Accessibility Act implementation before considering new requirements. The Commission should nonetheless incorporate the ANSI C63.19-2010 standard and begin pursuing discussions with hearing aid manufacturers and the Food and Drug Administration ("FDA"). The Commission should not impose a 100 percent requirement, however, given continued technical challenges and marketplace realities. Nor should the Commission impose HAC rules based on market segments such as postpaid versus prepaid, as market competition already ensures the wide availability of HAC-certified handsets across service plans.

The Commission should leave its FCC HAC compliance report ("Form 655") and consumer disclosure requirements unchanged at this time. The Commission should continue to rely on website and point of sale disclosures, rather than the FCC Form 655, as the principal consumer education tools. Wireless industry-led efforts such as CTIA's AccessWireless.org, as well as the forthcoming Accessibility Act clearinghouse, offer HAC-related information in a more consumer-friendly manner than information conveyed through status reports based on FCC Form 655 submissions. Significant changes to Commission's HAC reporting and disclosure requirements are thus unnecessary for service providers and handset manufacturers.

CTIA supports the Commission's outreach to hearing aid manufacturers and the FDA to understand remaining HAC technical issues. Significant improvements in HAC with wireless handsets can occur only with hearing aid manufacturer participation. In addition, significant changes to the ANSI C63.19 standard, and application of it and other HAC regulations to particular handset components and hearing technologies, are untimely and, in some instances, beyond the scope of section 710 of the Communications Act.

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
2010 Review of Hearing Aid Compatibility	)	WT Docket No. 10-254
Requirements	)	
	)	

To: Chief, Wireless Telecommunications Bureau

**COMMENTS OF CTIA -- THE WIRELESS ASSOCIATION®**

**I. INTRODUCTION**

CTIA – The Wireless Association® (“CTIA”)<sup>1</sup> is pleased to comment on the Wireless Telecommunications Bureau’s (“Bureau”) *Public Notice* in the above-referenced proceeding.<sup>2</sup> The Commission’s wireless hearing aid compatibility (“HAC”) regime, as implemented by the wireless industry, have proven successful for hearing aid users and are a model for accessibility policy generally. CTIA respectfully submits that the Bureau should recommend that the Federal Communications Commission (“FCC”) (1) monitor industry’s and the Commission’s implementation and enforcement of recently amended HAC handset benchmarks and reporting and consumer disclosure rules, (2) quickly incorporate new technical HAC standards into its rules and allow standards bodies to proceed with their activities in that area, and (3) reach out to hearing aid manufacturers and the Food and Drug Administration (“FDA”) to determine

---

<sup>1</sup> CTIA – The Wireless Association® is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, Advanced Wireless Service, 700 MHz, broadband PCS, and ESMR, as well as providers and manufacturers of wireless data services and products.

<sup>2</sup> See Public Notice, *Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations*, WT Docket No. 10-254 (WTB rel. Dec. 28, 2010) (“*Public Notice*”).

potential means of incorporating hearing aid manufacturers more fully into the ANSI C63.19 HAC rating and disclosure framework.

Today, wireless service providers and manufacturers offer a wide variety of HAC-certified wireless handsets, across a full range of feature sets and service plans.<sup>3</sup> There are numerous sources of handset information available to hearing aid users, and the Consumer and Governmental Affairs Bureau has consistently reported that it has received no or nearly no complaints relating to HAC compliance.<sup>4</sup> There is, therefore, strong evidence that consumers are able to find HAC-compliant handsets that meet their needs.

In adopting its *HAC Policy Statement* last fall, the Commission established a framework that, if adhered to, will foster continued success by promoting the availability of new wireless technologies accessible to hearing aid users, while preserving marketplace innovation.<sup>5</sup> CTIA supports the *HAC Policy Statement* and its objectives, which are consistent with the Commission's statutory obligations and should guide the Wireless Telecommunications

---

<sup>3</sup> For example, the latest *Best Buy Mobile Buyer's Guide* presents model-specific feature information, including HAC information covering multiple service providers' postpaid and prepaid plans. The overwhelming majority of those devices are HAC-certified. *See* Exhibit 1. In addition, a preliminary review of the Commission's recently-released data on service providers' reports confirms that consumers have a wide variety of HAC-complaint handsets available to them in the marketplace, on multiple air interfaces with different levels of functionality from multiple carriers. *See* FCC Service Provider's HAC Status Report, Covering Jan. 1, 2010 to Dec. 31, 2010 (rel. Feb. 14, 2011) *available at* [http://www.fcc.gov/Daily\\_Releases/Daily\\_Business/2011/db0214/DOC-304637A1.pdf](http://www.fcc.gov/Daily_Releases/Daily_Business/2011/db0214/DOC-304637A1.pdf).

<sup>4</sup> A recent study noted that persons with hearing loss are relying on text communications as an increasingly popular form of wireless communications as an alternative to voice communications. *See* Wireless RERC, Second Report: Findings of the Survey of User Needs (SUN) for Wireless Technology 2007-2009, 5 (March 2009) ("Second SUN for Wireless Technology 2007 – 2009").

<sup>5</sup> *See Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking, 25 FCC Rcd 11167, 11174 ¶ 18 (2010) ("*HAC Policy Statement*" or "*Second Report and Order*," as applicable).

Bureau’s recommendations in this proceeding. The wireless HAC rules have been effective because the Commission has consistently accounted for technical feasibility and product marketability concerns, as required by statute, and has facilitated consensus-based approaches to wireless HAC implementation, whether for benchmarks, technical standards, or consumer disclosure language.<sup>6</sup> Congress’s effective ratification of the wireless HAC rules in the Accessibility Act, and the statute’s application of that approach to new technologies and to accessibility policy generally, should also guide the Bureau’s consideration of the issues raised in the *Public Notice*.<sup>7</sup>

Finally, CTIA and its member companies remain committed to ongoing dialogue and collaboration in standards bodies and other venues to continue to resolve technical and other HAC issues as they arise. The Commission should continue to encourage resolution of these issues in collaborative, consensus-driven bodies in which all stakeholders, including hearing aid manufacturers, are invested in the outcome.<sup>8</sup>

---

<sup>6</sup> See 47 U.S.C. §§ 610(b)(2)(C), (e).

<sup>7</sup> Congress expressly preserved the Commission’s wireless HAC regulations in the Accessibility Act. See Twenty-First Century Communications and Video Accessibility Act of 2010, § 102(d), P.L. Nos. 111-260 and 111-265 (2010) (the “Accessibility Act”) (codified at 47 U.S.C. § 610(h)); 47 U.S.C. § 617(g)(4) (factor in determining whether accessibility is “achievable” is “[t]he extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points”); H.R. Rep. 111-563, at 25 (2010) (section that became 47 U.S.C. § 617(g)(4) should be interpreted “in a similar manner to the way [the Commission] has implemented its [HAC] rules”).

<sup>8</sup> See *Public Notice* at 14 (seeking comment on how to encourage continued collaboration among industry and consumers).

**II. THE COMMISSION SHOULD MAINTAIN THE CURRENT HAC REGIME BECAUSE HAC WIRELESS HANDSETS ARE SUFFICIENTLY AVAILABLE TO CONSUMERS.**

**A. The Commission Should Await Implementation of Recent Rule Changes Before Making Any Further Modifications to the HAC Regime.**

The Bureau asks a number of questions concerning the effectiveness of and possible changes to the current handset benchmarks.<sup>9</sup> The Commission just adopted significant changes to the benchmarks in 2008 and 2010.<sup>10</sup> The benchmarks adopted in 2008 for M3/M4-rated handsets became fully effective less than one year ago, and the final benchmark – for compliance with the T3/T4 benchmark – will not become fully effective until May of this year.<sup>11</sup> Service providers and manufacturers will continue to incorporate into their handset offerings, in varying degrees over time, the substantial modifications to the *de minimis* exemption adopted in 2010 as new technologies and technical standards are introduced and the exemption is phased out over the next two years and beyond.<sup>12</sup> Industry and the Commission will also be implementing the Accessibility Act during this period, which will impose additional one-time and ongoing time and resource burdens on many of the same company personnel that are responsible for HAC implementation.<sup>13</sup> Thus, manufacturers and service providers will be engaged in existing HAC-

---

<sup>9</sup> *See id.* at 4-7.

<sup>10</sup> *See Second Report and Order* at 11180-91 ¶¶ 35-67 (narrowing *de minimis* exemption and expanding benchmarks to manufacturers' direct-to-consumer handset offerings); *Amendment of the Commission's Rules Governing Hearing Aid Compatible Mobile Handsets*, First Report and Order, 23 FCC Rcd 3406, 3415-27 ¶¶ 26-50 (2008) ("*First Report and Order*"), *recon.* 23 FCC Rcd 7249 (2008) (increasing handset benchmarks and applying product refresh and functionality requirements to manufacturers and service providers, respectively).

<sup>11</sup> *See* 47 C.F.R. §§ 20.19(c)(3) and (d)(3).

<sup>12</sup> *See id.* § 20.19(e)(1)(B).

<sup>13</sup> *See* 47 U.S.C. § 617(e) (requiring promulgation of Accessibility Act regulations within one year of enactment).

related as well as broader accessibility-related compliance efforts during that period. These factors strongly weigh against further requirements at this time.

Nonetheless, there are additional measures that industry and the Commission can undertake in the near future. The Commission, for example, should expeditiously incorporate the 2010 version of the ANSI C63.19 standard into its rules and pursue discussions with the wireless industry, hearing aid manufacturers, and FDA about more fully incorporating the hearing aid manufacturers into the ANSI C63.19 framework. The Commission is already vigorously monitoring and enforcing the existing benchmarks, however, and any changes to the benchmarks (including the *de minimis* exception) are premature and may ultimately prove unnecessary.

In no event should the Commission propose a requirement that manufacturers and service providers ensure that 100 percent of the models they offer achieve HAC certification.<sup>14</sup> Manufacturers will continue to face design and engineering challenges for the foreseeable future, many of which may be unknown for new air interface technologies. The ability to expeditiously bring new products and services to market is critical in the wireless marketplace, as manufacturers and service providers must continually update their handset portfolios to meet evolving consumer needs and time-to-market demands. The existing rules already compel manufacturers and service providers to manage their handset portfolios extensively in this highly competitive environment. A 100 percent requirement would delay the introduction of and impede investment in new and innovative handsets and technologies, to the detriment of U.S. consumers generally, including those with other disabilities. The current marketplace demonstrates that the current HAC regime provides substantial incentive to invest in and

---

<sup>14</sup> See *Public Notice* at 5.

flexibility to offer HAC-compliant handsets that include a wide-range of features available to the broader handset market. A 100 percent requirement is therefore unnecessary.<sup>15</sup>

**B. The Commission Should Not Impose HAC Rules Based on Market Segments.**

The *Public Notice* seeks comment on whether a wide variety of HAC-certified handsets across a range of service plans are available to consumers, and in particular whether specific requirements are needed to address the availability of HAC-certified models for postpaid and prepaid service plans alike.<sup>16</sup> Any rules beyond the current functionality requirements are unnecessary,<sup>17</sup> because significant numbers and varieties of HAC-certified handsets are widely available for lower cost and premium plans alike. Carriers with predominantly prepaid offerings already are subject to the existing benchmarks, and consumers routinely choose and switch among multiple competing wireless plans and service providers, and among handsets with a range of features and capabilities. Rules targeted at particular service plans are thus unnecessary because marketplace competition among manufacturers and service providers with respect to HAC-certified models is no different than for other handset features.

**III. THE COMMISSION'S RULES SUFFICIENTLY AFFORD CONSUMERS AND OTHER STAKEHOLDERS MULTIPLE SOURCES OF HAC INFORMATION.**

The Bureau seeks comment on a number of issues concerning the availability of HAC information to consumers via (1) the FCC Form 655, and (2) the website, point of sale and other disclosures required under the rules. CTIA recommends that the Commission leave these requirements unchanged at this time.

---

<sup>15</sup> See *id.* at 14.

<sup>16</sup> See *id.* at 5-6.

<sup>17</sup> See 47 C.F.R. §§ 20.19(c)(4)(ii), (d)(4)(ii).

**A. The FCC Form 655 Is Principally a Monitoring Tool for the Commission and Should Be Left Unchanged.**

CTIA does not propose changes to the frequency or substance of the FCC Form 655 at this time, although there are format/processing questions the Commission should consider in order to make compliance less burdensome. For example, the Commission should consider use of an Excel template that would enable reporting entities to more easily import data to the online portal. The Commission should also continue efforts to more effectively integrate the FCC Form 655 electronic portal with the Office of Engineering and Technology equipment authorization database. Such measures would be in the spirit of the Commission's ongoing Data Innovation Initiative and the Chairman's recently-stated commitment to abide by President Obama's Executive Order concerning the easing of regulatory burdens.<sup>18</sup>

The Commission should view the FCC Form 655, however, principally as a monitoring tool for the agency and, to a lesser extent, a reference for stakeholders, rather than a source of HAC-related information for consumers. The Commission instead should rely on application of its existing website and point of sale regulations, and encouragement of industry and other stakeholder participation in the forthcoming clearinghouse required by Section 717(d) of the Communications Act, for educating and informing consumers.<sup>19</sup> In that regard, third party websites, such as CTIA's AccessWireless.Org (discussed in more detail below), offer HAC-related information in a more consumer-friendly manner than information conveyed through the FCC Form 655 compliance status report filed with the Commission. These industry-based

---

<sup>18</sup> See *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, et al., Notice of Proposed Rulemaking, FCC 11-14 (rel. Feb. 8, 2011), Statement of Chairman Julius Genachowski; President Barack Obama, Memorandum of January 18, 2011, *Regulatory Compliance*, 76 Fed. Reg. 3825 (Jan. 21, 2011).

<sup>19</sup> See 47 U.S.C. § 618(d).

efforts, together with the forthcoming launch of the Commission's Accessibility Act clearinghouse, can provide more information to consumers than what is required in the rules.

Finally, the Commission should ensure that its forthcoming implementation of the Accessibility Act, including any rules relating to recordkeeping, is not duplicative of FCC Form 655 requirements. Such a policy would also be consistent with the Commission's Data Innovation Initiative, as well as the Commission's policy of compliance with President Obama's recent Executive Order.<sup>20</sup> In all events, and consistent with the agency's existing equipment authorization processes,<sup>21</sup> the Commission's information disclosure and recordkeeping requirements should ensure that competitively sensitive manufacturer and carrier information concerning handset capabilities and features is not disclosed until those handsets reach the marketplace.

**B. Existing Mandatory and Voluntary Disclosure to Consumers about HAC Are Effective and Sufficient.**

The existing website and point of sale requirements have proven to be manageable for industry and successful in conveying model-specific HAC information to consumers. As noted above, in addition to the basic requirements of the rules, CTIA is working to enhance the online information available via AccessWireless.Org. In response to the Commission's Accessibility & Innovation Initiative Challenge, CTIA is currently enhancing AccessWireless.Org to provide an improved experience for consumers searching for information about accessible wireless products and services, including HAC. Once completed, CTIA encourages the Commission and all

---

<sup>20</sup> See *supra* note 18.

<sup>21</sup> The Commission's FCC Form 731 equipment application format maintains a "Short-Term Confidentiality" option that provides applicants the ability to receive equipment approval and bring a product to market while protecting the confidentiality of competitively sensitive information in advance of marketing.

stakeholders to direct consumers to AccessWireless.Org for explanations, FAQ's and a five-part video series exclusively focused on the Commission's HAC rules. Moreover, the forthcoming Accessibility Act clearinghouse should offer yet another resource of accessibility-related information generally, including HAC.

The wireless industry has expended considerable resources to improve consumer information, including the training of customer care and retail personnel, designing call out cards, and updating websites, all in furtherance of the Commission's objective of informing and educating consumers about the HAC capabilities of their handsets. These actions are ongoing, and industry will also be undertaking Accessibility Act-related training after those rules are adopted, which will impose additional burdens and responsibilities on many of the same employees and company divisions that are responsible for HAC compliance. Finally, consistent with CTIA's voluntary Consumer Code for Wireless Service, CTIA's wireless carrier members afford postpaid customers a minimum 14 day trial period with no early termination fee that enables hearing aid users to test the service and handset with their hearing aid devices outside the retail store.<sup>22</sup>

In light of these positive developments and ongoing Commission and industry efforts, the Bureau should not make any recommendations for additional service provider or manufacturer disclosure rules at this time, or for additional disclosure requirements for carriers' independent agents and dealers, many of whom are small businesses. As discussed below, the most effective method of improving the usefulness of handset HAC information for consumers in the near term will be for hearing aid manufacturers to participate in the M3/M4 and T3/T4 rating and disclosure system.

---

<sup>22</sup> See CTIA – The Wireless Association®, Consumer Code for Wireless Service, available at [http://www.ctia.org/consumer\\_info/service/index.cfm/AID/10352](http://www.ctia.org/consumer_info/service/index.cfm/AID/10352).

#### **IV. SIGNIFICANT IMPROVEMENTS IN UNDERSTANDING HAC TECHNICAL ISSUES CAN OCCUR ONLY WITH HEARING AID MANUFACTURER PARTICIPATION.**

##### **A. Hearing Aid Industry Participation Is a Prerequisite to Further Improving Hearing Aid Users' Wireless Experience.**

The Bureau seeks comment on a number of issues regarding the capabilities of and technical issues associated with particular hearing aid devices and hearing technologies.<sup>23</sup> As the *Public Notice* appropriately suggests, only hearing aid manufacturers and representatives of hearing aid users can meaningfully address many of these questions.<sup>24</sup> Hearing aid industry participation in the Commission's review of its rules and in the ANSI C63.19 standard compliance regime is thus critical. The ANSI C63.19 standard and the Commission's rules contemplate a shared responsibility of handset manufacturers and service providers on one hand, and hearing aid manufacturers on the other. If the Commission wants to maximize the benefit of the ANSI C63.19 standard for hearing aid users, hearing aid manufacturers and the FDA must be involved, and CTIA supports Commission efforts to reach out to those essential stakeholders for that purpose.<sup>25</sup>

In addition, a number of industry-led efforts are currently under way to address some of the technical issues raised in the *Public Notice*. Most notably, the former ATIS HAC Incubator's WG-11 studied volume control and acoustic coupling and, as with HAC generally, found that

---

<sup>23</sup> See *Public Notice* at 11-13.

<sup>24</sup> See *id.* at 13 (seeking “information regarding the technical operation of hearing aids and cochlear implants” and “how effectively different types of hearing assistance devices operate with wireless handsets”); *id.* (seeking comment on “actions that the Commission, in coordination with the Food and Drug Administration, could take to facilitate the dissemination of information about hearing aids and cochlear implants to wireless handset manufacturers, service providers, and consumers of wireless service”).

<sup>25</sup> See *id.* at 13, 14.

hearing aid manufacturer involvement in addressing these issues will be necessary. WG-11 preliminarily indicates that wireless handsets already have significant volume control capabilities that could benefit many hearing aid users. Provided that a hearing aid has sufficient range to render the telephone input signal audible at a comfortable listening level, existing volume control capabilities in handsets hold promise. For acoustic coupling, the gain and frequency response capabilities of the hearing aid will be important factors. As with HAC-related information, moreover, it is important that hearing aid manufacturers adequately inform hearing aid users about these factors. The Bureau should recommend that the Commission facilitate further stakeholder discussion of these issues.

**B. Significant Changes to the ANSI C63.19 Standard Are Premature.**

The Commission seeks comment on a number of questions relating to sufficiency of the ANSI C63.19 standard.<sup>26</sup> CTIA expects that the ANSI C63.19-2010 standard will soon be available for the Commission to consider and expeditiously incorporate into its rules. Manufacturers will thus be designing and testing new and existing air interface technologies according to the updated ANSI C63.19-2010 standard in the not-too-distant future, and it is premature to suggest further significant changes at this time. Moreover, these issues are appropriate for consideration by technical experts in industry standards bodies and, in this regard, ANSI C63 is already addressing testing issues relating to simultaneous transmissions.<sup>27</sup>

---

<sup>26</sup> See *Public Notice*. at 7-8, 11-13.

<sup>27</sup> See *id.* at 12-13 (seeking comment on simultaneous transmissions).

Consistent with prior practice and Congress’s Accessibility Act mandate, the Commission should defer to these stakeholder-led efforts to achieve consensus on technical matters.<sup>28</sup>

Finally, the Bureau asks a number of questions relating to the ANSI C63.19 standard and potential requirements relating to specific handset features and components, such as magnetic field signaling, display screens, and wireless headsets.<sup>29</sup> The Commission should not impose regulations dictating the characteristics of particular handset features or components.

Manufacturers will need flexibility in designing handsets not only to achieve HAC compliance, but to ensure compliance with other regulations and ensure the usability and viability of the product for the broader consumer marketplace. Each new handset model will be at least slightly different than its predecessors, so the process of achieving HAC compliance for a new model necessitates some case-by-case review – which, in turn, necessitates technical flexibility in design and engineering. With respect to the Bureau’s questions on the potential for promoting coupling or compatibility between headsets or earpieces and hearing aids, these are strictly speaking not an issue of hearing aid compatibility as such devices do not achieve compatibility via the handset’s “internal means.”<sup>30</sup> CTIA nonetheless recognizes their potential for hearing aid and non-hearing aid users alike, and recommends that the Commission consult with hearing aid manufacturers regarding the potential for coupling of these devices.

---

<sup>28</sup> See 47 U.S.C. § 610(c) (statutory criteria for compliance with and Commission adoption of “relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders”).

<sup>29</sup> See *Public Notice* at 12-13.

<sup>30</sup> See 47 U.S.C. § 610(b)(1).

## V. CONCLUSION

For the foregoing reasons, in order to preserve and continue the success of the current HAC regulatory regime, the Bureau should recommend that the Commission (1) monitor industry's and the agency's implementation and enforcement of recently amended HAC handset benchmarks and reporting and consumer disclosure rules, (2) quickly incorporate new technical HAC standards into its rules and allow standards bodies to proceed with their activities in that area, and (3) reach out to hearing aid manufacturers and the FDA to determine potential means of incorporating that industry more fully into the ANSI C63.19 framework.

Respectfully submitted,

By: /s/ Matthew B. Gerst  
Matthew B. Gerst  
Counsel, External & State Affairs

Michael F. Altschul  
Senior Vice President and General Counsel

Christopher Guttman-McCabe  
Vice President, Regulatory Affairs

Scott K. Bergmann  
Assistant Vice President, Regulatory Affairs

**CTIA – The Wireless Association®**  
1400 Sixteenth Street, NW  
Suite 600  
Washington, DC 20036  
(202) 785-0081  
[www.ctia.org](http://www.ctia.org)

February 14, 2011

# EXHIBIT 1

# BUYER'S GUIDE



February 2011

Valid 1/23/11-2/19/11

mobile

## FALL IN LOVE WITH A NEW SMART PHONE

### Tablet for Two

Make a date with the latest must-have gadget

Page 4

### Q & A with Bon Jovi

Why they love their Smart Phones

Page 18

### iPhone™ Accessories

Check out our sweet range of choices

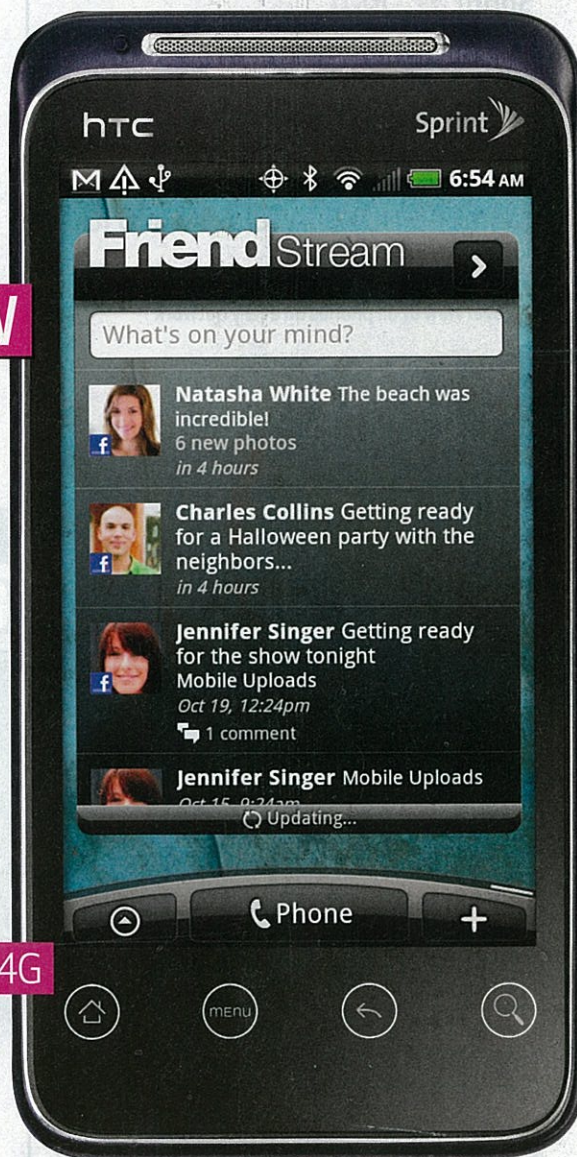
Page 17



NEW



HTC  
EVO SHIFT™ 4G



Sprint

Contact us at 1-888-BEST BUY or visit [BestBuy.com/mobile](http://BestBuy.com/mobile)





EXCLUSIVE  
WHITE COLOR



Category 3G Smart Phone 3G Smart Phone\* 3G Smart Phone 3G Smart Phone\* 3G Smart Phone\* 3G Smart Phone\* Simple Feature Simple Feature Simple Feature Simple Feature Simple Feature

Color/Sku Dark Charcoal/1278169 Fuschia/1283298 Black/9893153 Black/1035822 Black/9933392 Black/1446095 Purple/1446183 Black/1200475 White/1451449 Black/1443853 Black/1445933 Gray/1120965 Blue/1121081 Black/1115026 Dark Charcoal/9750809

Brand Model	BlackBerry® Curve™ 3G 9330	Droid Incredible by HTC	Droid X by Motorola	LG Ally	LG Vortex™	Samsung Fascinate™	LG Octane™	LG Cosmos™ Touch	Samsung Intensity™ II	Samsung Haven™	LG Accolade™
Operating System	BlackBerry®	Android	Android	Android	Android	Android					
Touch Screen		•	•	•	•	•					
Screen Size	2.4"	3.7"	4.3"	3.1"	3.2"	4"	2.6"	2.8"	2.2"	2.2"	1.76"
Band	Dual	Dual	Dual	Dual	Dual	Dual	Dual	Dual	Dual	Dual	Dual
Integrated GPS	•	Google	Google	Google	Bing	Bing	•	•	•	•	•
Camera Resolution	3.2MP	8MP	8MP	3.2MP	3.2MP	5MP	3.2MP	3.2MP	1.3MP		1.3MP
Video Camera	•	•	•	•	•	•					
Speakerphone	•	•	•	•	•	•				•	
Expandable Memory Capability	32GB	16GB	16GB preinstalled	4GB preinstalled	2GB preinstalled	16GB preinstalled	32GB	16GB	16GB		16GB
Memory Card Type	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD		microSD
Bluetooth®	Stereo	Stereo	Stereo	Stereo	Stereo	Stereo	•	Stereo	Stereo	•	Stereo
Hearing Aid Compatible	•	•	•	•	•	•	•	•	•	•	•
MP3 Player	•	•	•	•	•	•	•	•	•	•	•
Mobile Internet	•	•	•	•	•	•	•	•	•	•	•
Email Sync	•	•	•	•	•	•	•	•	•	•	•
FM Radio			•								
Talk Time Hours (up to)	4.5 hrs	5.25 hours	6.4 hours	450 min.	450 min.	420 min.	6 hours	6 hours	300 min.	300 min.	7.5 hours
Standby Days (Max)	10.5 days	6	11.2	500 hrs	500 hrs	312 hrs	24	480 hrs	300 hrs	300 hrs	679 hrs
Weight	3.74 oz	4.59 oz	5.96 oz	5.57 oz	4.44 oz	4.16 oz	4.40 oz	4.37 oz	4.1 oz	4.1 oz	3.00 oz

VERIZON WIRELESS



Category Smart Phone Smart Phone Smart Phone Smart Phone Smart Phone Messaging Messaging Basic Basic Basic

Color/Sku Black/1222413 White/1620032 Red/1620041 Black/1113847 Black/1211766 White/1291227 Black/1420247 Gray/1446208 Green/9924349 Black/1424058 Blue/9924127 Red/9573776 Black/9924242

Brand Model	BlackBerry® Torch™ 9800	Samsung Captivate™	Sony Ericsson Xperia™ X10	Dell Streak™	HTC Surround™	Pantech Pursuit™	Pantech Laser	Pantech Breeze II	Nokia 6350	LG GU295
Operating System	BlackBerry®	Android	Android	Android	Windows 7					
Touch Screen	•	•	•	•	•	•	•			•
Screen Size	3.2"	4"	4"	5"	3.8"	2.83	3.1"	3"	2.8"	2.0"
Band	Quad	Quad	Quad		Quad	Quad	Quad	Quad	Quad	Quad
Integrated GPS	•	•	•	•	•	•	•	•		
Camera Resolution	5.0MP	5.0MP	8.1MP	5.0MP	5.0MP	2MP	3MP	1.3MP	1.3MP	1.3MP
Video Camera	•	•	•	•	•	•	•	•	•	•
Speakerphone	•	•	•	•	•	•	•	•	•	•
Expandable Memory Capability	32GB	32GB	16GB	32GB	32GB	16GB	32GB	16GB	16GB	16GB
Memory Card Type	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD
Bluetooth®	Stereo	Stereo	Stereo	Stereo	Stereo	Stereo	Stereo	Stereo	Stereo	Stereo
Hearing Aid Compatible	•	•	•	•	•	•	•	•	M3, T3	•
MP3 Player	•	•	•	•	•	•	•	•	•	•
Mobile Internet	•	•	•	•	•	•	•	•	•	•
Email Sync	•	•	•	•	•	•	•	•	•	•
FM Radio		•								
Talk Time Hours (up to)	5.5 hours	5.5 hours	8 hours	8 hours	4 hours	5 hours	5 hours	5 hours	4 hours	6 hours
Standby Days (Max)	17	14.2	17	17	11.5	14	14	14	14.5	21
Weight	5.7 oz	4.5 oz	4.76 oz	7.76 oz	5.82 oz	4.53 oz	4.06 oz	3.56 oz	3.6 oz	3.7 oz

AT&T

Sprint



Category	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Basic	Messaging
Color/Sku	Black/9924206	Steel Gray/1430077	Titanium/1305373 Purple/1305433	Black/1083245	Black/1168955	Black/9895819 White/9955611	Blue/1768561	Black Pearl/1335983	Black/1363136	Gray Steel/1067902 Satin Pink/1067939	Charcoal/1430129 Royal Purple/1430696	Black/1363163	Blue/9807743
Brand Model	BlackBerry® Bold 9650	BlackBerry® Style™ 9670	BlackBerry® Curve™ 9330	Motorola I1	Samsung Epic™ 4G	HTC EVO™ 4G	HTC EVO Shift™ 4G	Samsung Transform	Sanyo Zio	Samsung Intercept	LG Optimus S	Sanyo Vero	LG Rumor Touch
Operating System	BlackBerry®	BlackBerry®	BlackBerry®	Android	Android	Android	Android	Android	Android	Android	Android	Sprint	
Touch Screen				•		•	•	•	•	•		•	•
Screen Size	2.4"	2.4"	2.4"	3.1"	4"	4.3"	3.6"	2.02" x 3.03"	1.79" x 2.98"	1.54" x 2.57"	3.2"	2.4"	1.53 x 2.55
Band	Dual	Dual	Dual	iDEN	Dual	Dual	Dual	Dual	Dual	Dual	Dual	Dual	Dual
Integrated GPS	•	•	•		•	•	•	•	•	•	•	•	•
Camera Resolution	3.2MP	5.0MP	2.0MP	5.0MP	5.0MP	8.0MP / 1.3MP	5.0MP	2MP / VGA	3.2MP	3.2MP	3.2MP	1.3MP	2MP
Video Camera	•	•	•	•	•	•	•	•	•	•	•		•
Speakerphone	•	•	•	•					•	•		•	
Expandable Memory Capability	32GB	32 GB	32 GB	32GB	32GB	32GB	32GB	32GB	32GB	32GB	32GB		1 GB in box
Memory Card Type	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	microSD	N/A	microSD
Bluetooth®	Stereo	Stereo	Stereo	Stereo		•	•	Stereo	Stereo	•	Stereo	•	•
Hearing Aid Compatible	•	•	•	•	•	M3/T3	•	•	•	•	•	M4/T4	•
MP3 Player	•	•	•	•	•	•	•	•	•	•	•		•
Mobile Internet	•	•	•	•	•	•	•	•	•	•	•	•	•
Email Sync	•	•	•	•	•	•	•	•	•	•	•		•
FM Radio					•		•						
Talk Time Hours (up to)	5 hours	TBD	5.4 hours	3.5 hours				Up to 6 hours	Up to 4.6 hours	6.4 hours	Up to 5 hours	5.2 hours	Up to 7 hours
Standby Days (Max)													
Weight	4.8 oz.	TBD	TBD	4.83 oz	5.46 oz	6.0 oz	5.9 oz	5.4 oz	3.7 oz	4.8 oz	4.6 oz	3.8 oz	4.7 oz

SPRINT

T-Mobile

ONLY AVAILABLE AT BEST BUY



Category	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Smart Phone	Messaging	Messaging	Messaging
Color/Sku	Black/1484107	Black/1541114 White/1541584	Black/1495036	Black/1085813	Black/1571612	Gray/1273686 Violet/1272695	Black/1272669	Black/9528558 Blue/9696091	White/9789361	Steel/9976292
Brand Model	Nexus S™	T-Mobile MyTouch 4G	HTC HD7	Samsung Vibrant	BlackBerry® Bold™ 9780	BlackBerry® Curve™ 3G	HTC G2 with Google™	Sony Ericsson Equinox	Nokia Nuron	Samsung Gravity T
Operating System	Android 2.3	Android	Windows 7	Android	BlackBerry®	BlackBerry®	Android		S60 5.0	Proprietary
Touch Screen	•	•					•	•		•
Screen Size	4.0"	3.8"	4.3"	4.04"	2.44"	2.44"	3.7"	2.2"	3.2"	
Band	Quad	Quad	Quad	Quad	Quad	Quad	Quad	Quad	Quad	Quad
Integrated GPS	•	•	•	•	•	•	•	•	•	•
Camera Resolution	5.0MP	5.0MP	5.0MP	5.0MP	3.2MP	3.2MP	5.0MP	3.2MP	2.0MP	2.0MP
Video Camera	•	•	•	•	•	•	•	•	•	•
Speakerphone	•	•		•	•	•	•	•		•
Expandable Memory Capability	16GB pre-installed	32GB		up to 16GB	32GB	32GB	up to 32GB	8GB	16GB	up to 16GB
Memory Card Type	N/A	microSD		microSDHC	microSD	microSD	microSD	M2 (microSDHC)	microSD	microSD
Bluetooth®	Stereo	•	•	v3.0	•	•	Stereo	•	Stereo	Stereo
Hearing Aid Compatible	•	•			•	•	M3	•		
MP3 Player	•	•	•	•	•	•	•	•	•	•
Mobile Internet	•	•		•	•	•	•	•	•	•
Email Sync	•	•	•	•	•	•	•	•	•	
FM Radio	•		•				•	•	•	
Talk Time Hours (up to)	6.5	9 hours	6.5	5 hours			4 hours	10 hours	7 hours	5.5 hours
Standby Days (Max)	17.8 days	12 days	14.5 days	12			13 days	16	12	12.5
Weight	4.5 oz	5 oz		4.16 oz			6.5 oz		4 oz	4.3 oz

T-MOBILE



Color/Sku Black/9325009 French Gray 9696489 Black/1068992 Black/1443662 Black/1232996

Brand Model	Nokia 1661	Samsung T139	Samsung Column	Huawei Comet	Samsung T249
Pay As You Go	•	•	•	•	•
Screen Size	1.8"	1.1 x 1.38 in	2"	2.8"	1.96"
Band	Dual	Dual	GSM	Quad	Quad
Integrated GPS				•	
Camera Resolution		VGA CMOS	1.3MP	3.2MP	1.3MP
Video Camera			•	•	•
Speakerphone	•		•	•	•
Expandable Memory Capability		10MB	16GB	32GB	100MB
Memory Card Type			microSD	microSD	microSD
Bluetooth®			•	•	•
Hearing Aid Compatible		•	•		•
MP3 Player		•	•	•	
Mobile Internet				•	•
E-mail Sync				•	
FM Radio	•			•	
Talk Time Hours (up to)	4 hours	4.5 hours	5 hours	9.6 hours	4.5 hours
Standby Days (Max)	19	17.9	13	12	13
Weight	2.89 oz	3.0 oz	4 oz	3.6 oz	3.2 oz

T-MOBILE PREPAID

1-888-BEST BUY



Blue/9263076 Black/1153962 Black/1263428 1580261

Verizon U360	Pantech Jest	LG Cosmos	Motorola Citrus
•	•	•	•
1.9"	2.6"	2.6"	3"
Dual	Single	Single	Dual
•	•	•	
VGA	2.0MP	1.3MP	3.0MP
•	•		•
•	•	•	•
	16GB		32GB
	microSD		microSD
•	•	•	•
•	•		•
	•	•	•
•	•	•	•
5 hours	5.5 hours	6 hours	6.3 hours
14	15	24	12.5
3.35 oz	4.1 oz	4.4 oz	3.88 oz

VERIZON WIRELESS NO-CONTRACT®



1233473 Black/1233482 1443574 1741149

LG 320	LG 620	LG 900G	Motorola W408 Red
•	•	•	•
		2.4	1.1 x 1.42 in
		Quad	850/1900MHz
	1.3MP	320 x 240	1.3MP
	•	2.0MP	1.3MP
	•	•	•
		•	•
	•	•	•
	•	•	•
	•	•	•
	•	•	•
5 hours	3.5 hours	6 hours	5 hours
19	14	16	15
2.29 oz	3.14 oz	3.4 oz	2.72 oz

NET10



Color/Sku Black/9405841 Black/9912708 Black/9912726 Black/9919522 Black/1409226

Brand Model	Samsung Mantra	Kyocera Loft	LG Rumor Touch	BlackBerry® Curve™ 8530	Samsung Intercept
Pay As You Go	•	•	•	•	•
Screen Size	2.0"	2.2"	3.0"	2.5"	3.1"
Band	Dual	CDMA	CMDA	CDMA	CDMA
Integrated GPS	•	•	•	•	•
Camera Resolution	VGA	1.3MP	2.0MP	2.0MP	3.2MP
Video Camera	•	•	•	•	•
Speakerphone	•	•	•	•	•
Expandable Memory Capability		N/A	16MB	32GB	32GB
Memory Card Type		N/A	microSD	microSD	microSD
Bluetooth®	•	•	•	•	•
Hearing Aid Compatible	•	•	•	•	•
MP3 Player			•	•	•
Mobile Internet		•	•	•	•
E-mail Sync		•	•	•	•
FM Radio					
Talk Time Hours (up to)	5.5 hours	4 hours	2.5 hours	4.5 hours	5.5 hours
Standby Days (Max)	12	9.4	6.7	10.5	10
Weight	3.35 oz	3.49 oz	4.59 oz	3.9 oz	4.8 oz

VIRGIN MOBILE



Black/9502549 Blue/9257109 White/9836584 Black/9561495 Black & Gray 1111903 Black & Silver 1450113

	Nokia 2320	Samsung A197	LG Prime	Samsung A187	LG Neon	Samsung A107
•	•	•	•	•	•	•
128 x 160	128 x 160			176 x 220	240 x 320	
Dual	Dual	Dual	Quad	Tri	GSM 850/1900MHz	
		VGA	2MP	VGA 4x zoom	2MP 4x zoom	
		•	•	•	•	
•	•	•	•	•	•	
					4GB	
					microSD™	
			•	•	•	
M1			•	•	•	
•	•	•	•	•	•	
•	•	•	•	•	•	
3.5 hours	3 hours	5.6 hours	5 hours	3 hours	3 hours	
15	10	16	10	10	10	
2.8 oz	3.1 oz	3.81 oz	3.09 oz	3.81 oz	2.61 oz	

GOPHONE



Titanium/9358964 Silver/9692705 Silver/9692714 Black/9935936 Black/1414591 Black/1051268 Blue/1051683 Pink/1051847\* Blue/Black 1142884 Red/1369176

	Motorola Clutch™ i465	Sanyo Incognito	Sanyo Mirro	Motorola i1	BlackBerry® Curve™ 8530	Motorola i296	Sanyo 2700	Samsung Seek
•	•	•	•	•	•	•	•	•
128 x 160pixels	320 x 240pixels	320 x 240pixels		2.5"				2.6"
iDen	CDMA	CDMA	CDMA	CDMA	iDen	CDMA		
•	•	•	•	•	•	•	•	•
VGA	2MP	1.3MP	5.0MP	2.0MP		1.3MP	1.3MP	
•	•	•	•	•	•	•	•	•
•	•	•	•	•	•	•	•	•
	16GB		8GB	8GB				32GB
	microSD		microSD	microSD				microSD
•	•	•	•	•	•	•	•	•
•	•	•	•	•	•	•	•	•
•	•	•	•	•	•	•	•	•
3.25 hours	5.1 hours	5.8 hours		6.5 hours	2.5 hours	4.8 hours	5.8 hours	
3	12.5	17.9		10.5	3.3		21	
3.4 oz	4.3 oz	4 oz		4.02 oz	3.0 oz	3.4 oz	3.85 oz	

BOOST